14.46 hrs

Title: Discussion on the National Institute of Pharmaceutical Education and Research (Amendment) Bill, 2001 (Bill passed).

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI SATYA BRATA MOOKHERJEE): Sir, I beg to move:

> "That the Bill to amend the National Institute of Pharmaceutical Education and Research Act, 1998, as passed by Rajya Sabha, be taken into consideration."

Sir, so far as this Act is concerned, it was passed in 1998. There is a Board of Governors to which the Speaker of the Lok Sabha nominates two Members, and the Chairman of the Rajya Sabha nominates one Member. Now, Sir, the tenure is for a fixed term, but it does not take into consideration the fact that when a Member becomes a Speaker or a Minister or a Minister of State or a Deputy Minister, then the term of the member will come to an end. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: There is a lot of noise in the House. If anybody wants to go out, please go out quietly.

SHRI SATYA BRATA MOOKHERJEE: The intention is to introduce a proviso in this Act so that when a Member of the Lok Sabha becomes a Minister or a Minister of State or a Deputy Minister or a Speaker or a Deputy Speaker, or a Member of the Rajya Sabha becomes the Deputy Chairperson, he will automatically cease to be a member of the Board of Governors. That is why, this proviso is sought to be introduced, and hence this Amendment. ...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): He is one of the talented persons on the Treasury Benches. For the first time, he is moving a Bill for consideration. Let us all hear him. Why are they creating problems?

MR. DEPUTY-SPEAKER: Madam Minister, please resume your seat.

SHRI SATYA BRATA MOOKHERJEE: This Bill was passed by the Rajya Sabha on the 4th of December, 2001.

Sir, so far as the section is concerned, it is section 4 (3) (o). The proviso is sought to be introduced in sub-section (4) of the Act.

Sir, I beg to move that this Bill be taken into consideration.

MR. DEPUTY-SPEAKER: Motion moved:

> "That the Bill to amend the National Institute of Pharmaceutical Education and Research Act, 1998, as passed by Rajya Sabha, be taken into consideration."

SHRI E.M. SUDARSANA NATCHIAPPAN (SIVAGANGA): Respected Deputy-Speaker, Sir, I am not opposing this Bill. However, I would like to place certain facts before you.

We are happy that a very eminent jurist has moved this Bill for consideration. He is bereaved by the death of his wife, and we offer our condolences to him.

It is very strange that they have brought this National Institute of Pharmaceutical Education and Research (Amendment) Bill, 2001. As per the Amendment, the term of office of a Member nominated under clause (o) of sub-section (3) shall come to an end as soon as he becomes a Minister or Minister of State or Deputy Minister, or the Speaker or the Deputy-Speaker of the House of the People, or the Deputy Chairman of the Council of States, or ceases to be a member of the House from which he was nominated. Except the last clause, that is, "or ceases to be a Member of the House from which he was nominated", the rest clearly shows that a Member of Parliament, when he is elevated to an office of profit, automatically ceases to be a Member. The rules also provide that the hon. Speaker will inform the statutory authority concerned that that particular post has become vacant and, therefore, he is nominating a new Member or new Members. This is sufficient, and it can be dealt with as an internal matter.

But there is no need for mentioning this. This is being proposed as if something very important has happened in this area. Is there any litigation? Has anybody after being appointed as Minister contested saying that he or she still wants to be a Member of the Governing Board and that he or she has the authority to be there till his or her tenure of three years was over? I find there are no such instances. A Member, after becoming a Minister, automatically ceases to be a Member of that Governing Board and he or she is not going to sit in that Committee and a new Member would be elected in his or her place. It is a routine case. It is because the power to nominate the Members

are with the hon. Speaker, Lok Sabha and with the hon. Chairman, Rajya Sabha. Therefore, they are in a position to find out as to which post is lying vacant and which post would have to be filled in. So, this amendment is not at all necessary.

Sir, but at the same time I would like to draw the attention of the Government that when such a specialised enactment is being brought forward we expect that the Government would take a holistic view of the economic liberalisation and globalisation that has taken place. If that were to be so, then there should have been an amendment in this Act itself which would have made an attempt to make this institute a pioneering institute in the whole of India that was capable of catching the eye of the world in this field of pharmaceuticals. This institute has the potential to bring in a lot of income by way of research and patent registration.

Sir, what is the thinking of the Government about this Institute? The Members of Parliament are nominated to the Governing Board to supervise the functions of the Institute according to sections 20 and 21 of the Act. The Parliament of India appropriates certain sum of money in every financial year to this Institute for development of the Institute and directs it to perform certain functions as stipulated in section 7. Now, if that section 7 is to be fully gone through, then we could very easily find out that this Institute is oriented towards research and a lot of intellectual property is also coming up there and since this Institute has got an intellectual property, would the Government take steps to make this Institute accountable? Would the Government find out as to how much money they have earned by patenting? How much have they earned by way of research? How many new pharmaceutical formulas have they developed? How many new products and processes have they been able to manufacture so far? These are the questions that are needed to be answered by the Government when they are proposing to bring forward such an amendment to the Act.

Sir, I would like to make certain observations regarding nomination of Members. I would like to draw the attention of the Government to sub-clause 4 (j) (k) and (l) of section 4. The President of the Drug Manufacturing Association is a Member of this Board; the President of the Pharmaceutical Association is also an *ex-officio* Member; and the industrialists who are involved in the manufacturing of drugs are also Members of this Board. The services of these people could very well be utilised for marketing the products. They could bring in a lot many things to this institution and this institution can benefit from them. They could have a patent registered. This institution should have self-sufficiency and that it should have its own funds.

Sir, as a Member of the Committee of Science and Technology I had the opportunity to visit a lot of such institutions in this country. I have seen that the Directors of these institutions are not ready to go beyond their own fields. They do not want to go for research. They do not want to earn more money for their institutes. They just like to get support of the Government. They want money from the Government and send the bills. That is what they are doing. All these aspects should be taken into consideration.

Sir, finally I would like to submit for the consideration of the hon. Minister that if this institution could be made a multi-disciplinary one. That is the main thing that has been stated in section 7(xi) of the Act. The development of a multi-disciplinary approach in carrying out research and training of pharmaceutical manpower is the main thrust. Therefore, I would like to request the hon. Minister if he could make arrangements for nominating persons from the fields of Siddha, Ayurveda and Unani so that the concept of making this institution a multi-disciplinary one becomes a reality.

Post-Graduate and Post-Doctoral Degrees are also awarded by this Institute. Therefore, this type of a combination of all the Indian disciplines could also be made available. Then only this research institute can be a very successful institute.

Finally, I would like to suggest that there should be satellite institutes. Because this Institute is located in Punjab, there should be a satellite institute in Tamil Nadu such as Sivaganga. Similarly satellite institutes may be set up in other places also so that people in those areas who are involved in the research activity can be benefited.

With these words, I support this Bill. At the same time, I would like to say that there should be some new thinking in this regard in the context of the World Trade Organisation. Since we are competing with the pharmaceuticals giants of the world, we have to be fully aware of the situation and make proper efforts.

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI SATYA BRATA MOOKHERJEE): Mr. Deputy-Speaker, Sir, I am grateful to the hon. Member for the suggestions made. With respect if I may submit, these relate to the working of the Act. We are now concerned with a very small amendment with regard to the position of the members who are nominated by the Speaker and the Chairman of Rajya Sabha, and as to what should be their tenure. The amendment only takes care of that. The other suggestions which have been made shall certainly be taken into consideration while implementing the provisions of the Act.

SHRI SONTOSH MOHAN DEV (SILCHAR): This is the Minister's maiden speech, Sir.

SHRI SATYA BRATA MOOKHERJEE: I was submitting that so far as the suggestions are concerned, they really relate to the working of the Institution and not to the amendment. As I said, we will certainly take into consideration the suggestions made.

There are two amendments to the Act. One is with regard to the Enacting Formula. In the first line, instead of Fifty-second it should be Fifty-third. The other one is on the fourth line. Instead of 2001, it should be 2002. These are the two amendments.

MR. DEPUTY-SPEAKER: The question is:

> "That the Bill to amend the National Institute of Pharmaceutical Education and Research Act, 1998, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: The House shall now take up clause-by-clause consideration of the Bill.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 - Short Title

Amendment made:

Page 1, line 4, -

for **"2001"**

substitute **"2002" (2)**

(Shri Satya Brata Mookherjee)

MR. DEPUTY-SPEAKER: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line 1, -

for **"Fifty-second"**

substitute **"Fifty-third" (1)**

(Shri Satya Brata Mookherjee)

MR. DEPUTY-SPEAKER: The question is:

"That Enacting Formula, as amended, stand part of the Bill.

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Long Title was added to the Bill.

MR. DEPUTY-SPEAKER: The Minister may now move that the Bill, as amended, be passed.

SHRI SATYA BRATA MOOKHERJEE: Sir, I beg to move:

"That the Bill, as amended, be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.